

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**EARL BURDETTE  
AND CORNELIA FAY PETTIS**

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO.: 3:13-CV314-MPM-SAA**

**PANOLA COUNTY, MISSISSIPPI, BY  
AND THROUGH ITS BOARD OF SUPERVISORS;  
PANOLA COUNTY SHERIFF, DENNIS DARBY,  
IN HIS INDIVIDUAL CAPACITY AND JOHN DOES 1-10**

**DEFENDANTS**

**MOTION FOR SUMMARY JUDGMENT**

**NOW COMES** Panola County, Mississippi, by and through its Board of Supervisors and Panola County Sheriff, Dennis Darby, in his Individual Capacity, and submits this Motion for Summary Judgment, as follows:

**1. PREMISE:** The primary issue will be whether the law is clearly established that a Mississippi Sheriff has superior jurisdictional authority over the investigation of a potential state law felony charge in his county. Beyond this, the undisputed material facts in this case clearly establish there is no cognizable constitutional violation stated. Under the modified standard for summary judgment applicable to these facts, there is no issue for trial and dismissal is appropriate premised upon 1) qualified immunity for the individual defendants; and, 2) a failure of a cognizable constitutional theory as to official claims.

**2. SUPPORTING DOCUMENTS:** In support of summary judgment, Defendants attach the following:

**EXHIBIT -A** Incident Report by MBI Agent J. Farish 11-14-13

**EXHIBIT -B** Statement of Dep. Emily Griffin 11-14-13

**EXHIBIT -C** Statement of John Still 11-18-13

- EXHIBIT -D** Statement of Eric Harris 11-14-13
- EXHIBIT -E** Statement of Det. Edward Dickson 11-14-13
- EXHIBIT -F** Statement of Inv. Danny Beavers 11-14-13
- EXHIBIT-G** Statement of Dep. Sheriff Tommy Bryant 11-14-13
- EXHIBIT-H** Statement of Inv. Jimmy Shannon 11-14-13
- EXHIBIT -I** Statement of Jason Chrestman 11-14-13
- EXHIBIT -J** Statement of George Renfroe 11-18-13
- EXHIBIT -K** Statement of Rosa Wilson 11-14-13
- EXHIBIT -L** Statement of Donald Matthews 11-14-13
- EXHIBIT -M** Statement of Mildred Cook 11-14-13
- EXHIBIT -N** Statement of Dustin Watts 11-14-13
- EXHIBIT -O** Statement of Cornelia Pettis 11-14-13
- EXHIBIT -P** Statement of Eric Harris 11-14-13
- EXHIBIT -Q** AUDIO (Como Shooting Recording - November 14, 2013)
- EXHIBIT -R** AUDIO (Como Shooting Radio Traffic- November 14, 2013)

The pleadings in this cause are incorporated herein by reference and will be cited for the record according to docket number.

**3. BASIS FOR RELIEF:** As required by *Uniform District Court Rule 7.2*, Defendants are filing herewith a Memorandum of Authorities which incorporates therein a listing of the material facts in a light favorable to Plaintiff.

**WHEREFORE PREMISES CONSIDERED**, the Panola County Defendants pray that this Court will grant as follows:

(A) Dismiss all claims pursuant to *Fed. R. Civ. Proc.* 56;

(B) Enter Final Judgment for the Panola County Defendants in the manner required by *Fed. R. Civ. Proc.* 54(b);

(C) That this Court award the Panola County Defendants their attorney fees, costs and expenses associated with the defense of the instant civil action pursuant to *Fed. R. Civ. Proc.* 11 and 42 U.S.C. §1988.

**Respectfully submitted** this 2<sup>nd</sup> day of July, 2014.

**PANOLA COUNTY DEFENDANTS**

By: /s/ Daniel J. Griffith

Daniel J. Griffith, MSB No. 8366

Attorney for Defendants

Of Counsel:

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**CERTIFICATE OF SERVICE**

I, Daniel J. Griffith, counsel of record for Panola County Defendants, do hereby certify that on this day, I electronically filed the foregoing ***Motion for Summary Judgment*** with the Clerk of the Court using the ECF system which gave notification of such filing to the all counsel of record who have appeared in this action.

**Respectfully submitted** this the 2<sup>nd</sup> day of July, 2014.

By: /s/ **Daniel J. Griffith**  
Daniel J. Griffith, MSB #8366